

UTILITY PATENT APPLICATION TRANSMITTAL

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| Address to: | Attorney Docket No. | UOM 0212 PUSP 1 |
| Mail Stop PATENT APPLICATION Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | <i>Inventor(s) or Appln. Identifier</i> | John R. Clark and Clark T.-C. Nguyen |

22387 U.S. PTO
10/660332

1. This application entitled Micromechanical Resonator Device And Micromechanical Device Utilizing Same is:

- a. A new application under 37 C.F.R. § 1.53(b).
- b. A continuation divisional or continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/938,358 filed on 08/23/2001, entitled Micromechanical Resonator Device And Micromechanical Device Utilizing Same.
- c. A new utility application which claims the benefit of provisional application Serial No. _____, filed on _____.

Application elements and other attached papers:

2. Specification (including Claims and Abstract) [Total Pages 22]

3. Drawings (informal / formal) [Total Sheets 5]

4. Oath or Declaration

- a. Newly-executed
- b. Copy from a prior application (37 C.F.R. § 1.63(d))

5. Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).

- a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

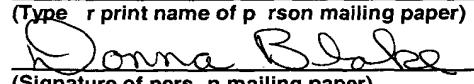
- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this **UTILITY PATENT APPLICATION TRANSMITTAL** and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express
Mail Label No. EV354299864US

Date of Deposit: September 11, 2003

Donna Blake
 (Type or print name of person mailing paper)

 (Signature of person mailing paper)

7. Preliminary Amendment:

- a. A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b. Cancel in this application original claims 1-32 of the prior application before calculating the filing fee.
- c. Please amend the specification by inserting before the first line the following sentence:

"This is a continuation divisional of copending application(s) serial number 09/938,358 filed on 08/23/2001."

- d. A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. Applicant claims small entity status.
- b. Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer desired.

9. Fee Calculation:

| FOR | NUMBER FILED | NUMBER EXTRA | RATE | CALCULATIONS |
|---|--------------|--------------|---|---------------|
| TOTAL CLAIMS (37 C.F.R. § 1.16(c)) | 40 -20 = | 20 | x 18.00 | 360.00 |
| INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b)) | 3 -3 = | 0 | x 84.00 | 0.00 |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d)) | | | 280.00 | 0.00 |
| | | | BASIC FEE (37 C.F.R. § 1.16(a)) | 750.00 |
| | | | TOTAL OF ABOVE CALCULATIONS | 1110.00 |
| REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28) | | | | 555.00 |
| | | | \$40.00 ASSIGNMENT RECORDAL FEE (if applicable) | 0.00 |
| | | | TOTAL | 555.00 |

- 10. A check in the amount of \$ 555.00 is enclosed.

- 11. The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978:

 - a. Fees required under 37 C.F.R. § 1.16.
 - b. Fees required under 37 C.F.R. § 1.17.

12. Maintenance of Copendency of Prior Application

- A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until _____.

13. An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a. Form PTO/SB/08A & SB08B (2 sheet(s))

b. Copies of references cited

14. Certified copy of priority document(s) AND English Translation Document (if applicable)

15. Nonpublication Request Under 37 C.F.R. § 1.213(a)

16. Request for Early Publication Under 37 C.F.R. § 1.219

17. Return Receipt Postcard

18. Other: _____

19. An Assignment of the invention to The Regents of the University of Michigan having an address of 3003 S. State Street, Ann Arbor, Michigan 48109

a. is attached.

b. was recorded on January 16, 2002 at Reel 012496, Frame 0468.

c. Applicant requests that the above assignee information be published with the application.

20. The power of attorney in the prior application is to:

David R. Syrowik 27,956
Name of Attorney of Record Reg. No.

The power appears in the original papers in the prior application.

The power does not appear in the original papers, but was filed on _____.

A new power has been executed and is attached.

21. Correspondence Address: Please address all future communications to:

CUSTOMER NO.

22045

Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

John R. Clark, et al.



Name: David R. Syrowik
Registration No.: 27,956

Attorney or agent of record
 Filed under Rule 34(a)

Date September 11, 2003